

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:05-CR-0146
	:	
v.	:	(Judge Conner)
	:	
CREMNE BRANCH	:	

ORDER

AND NOW, this 25th day of January, 2011, upon the notice of appeal and request for certificate of appealability (Doc. 159), filed by *pro se* petitioner Cremne Branche (“Branche”), wherein Branche requests permission to appeal the court’s order of December 17, 2010 finding that Branche knowingly and voluntarily waived his right to challenge his sentence through a 28 U.S.C. § 2255 motion and that there was no miscarriage of justice (see Doc. 158), and recognizing that a habeas petitioner attempting to appeal must first obtain a certificate of appealability, see 28 U.S.C. § 2253(c)(1)(A), and it appearing that the court has already denied Branche a certificate of appealability, (see Doc. 158), and the court finding that there are no manifest errors of law or fact in its prior order,¹ see Harsco Corp. v. Zlotniki, 779 F.2d 906, 909 (3d Cir. 1985) (“The purpose of a motion for reconsideration is to correct manifest errors of law or fact or to present newly discovered evidence”);

¹ The district court may issue a certificate of appealability only when a habeas petitioner makes a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This standard is satisfied when the petitioner establishes “that reasonable jurists would find the district court’s assessment of the constitutional claim debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). For the reasons set forth in the memorandum and order of court (Doc. 158) dated December 17, 2010, Branche fails to show that his constitutional rights were violated. Thus, he cannot meet the standard set forth by § 2253(c)(2).

see also Max's Seafood Café by Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3d Cir. 1999), it is hereby ORDERED that the motion (Doc. 159) for certificate of appealability is CONSTRUED as a motion for reconsideration of the order of court (Doc. 158) dated December 17, 2010, and is DENIED as so construed.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge